

ALASKA STATE LEGISLATURE
SENATE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE

April 8, 2021

1:33 p.m.

MEMBERS PRESENT

Senator Shelley Hughes, Vice Chair
Senator Mia Costello
Senator Lora Reinbold
Senator Tom Begich

MEMBERS ABSENT

Senator David Wilson, Chair

COMMITTEE CALENDAR

SENATE BILL NO. 26

"An Act repealing the certificate of need program for health care facilities; making conforming amendments; and providing for an effective date."

- MOVED SB 26 OUT OF COMMITTEE

SENATE BILL NO. 99

"An Act relating to care of juveniles and to juvenile justice; relating to employment of juvenile probation officers by the Department of Health and Social Services; relating to terms used in juvenile justice; relating to mandatory reporters of child abuse or neglect; relating to sexual assault in the third degree; relating to sexual assault in the fourth degree; repealing a requirement for administrative revocation of a minor's driver's license, permit, privilege to drive, or privilege to obtain a license for consumption or possession of alcohol or drugs; and providing for an effective date."

- MOVED SB 99 OUT OF COMMITTEE

SENATE BILL NO. 38

"An Act relating to the practice of naturopathy; establishing the Naturopathy Advisory Board; relating to the licensure of naturopaths; relating to disciplinary sanctions for naturopaths; relating to the Department of Commerce, Community, and Economic Development; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 26

SHORT TITLE: REPEAL CERTIFICATE OF NEED PROGRAM

SPONSOR(s): SENATOR(s) WILSON

01/22/21	(S)	PREFILE RELEASED 1/8/21
01/22/21	(S)	READ THE FIRST TIME - REFERRALS
01/22/21	(S)	HSS, L&C
03/25/21	(S)	HSS AT 1:30 PM BUTROVICH 205
03/25/21	(S)	Heard & Held
03/25/21	(S)	MINUTE(HSS)
04/07/21	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)
04/07/21	(S)	Scheduled but Not Heard
04/08/21	(S)	HSS AT 1:30 PM BUTROVICH 205

BILL: SB 99

SHORT TITLE: JUVENILES: JUSTICE, FACILITIES, TREATMENT

SPONSOR(s): SENATOR(s) BEGICH

03/05/21	(S)	READ THE FIRST TIME - REFERRALS
03/05/21	(S)	HSS, JUD
03/25/21	(S)	HSS AT 1:30 PM BUTROVICH 205
03/25/21	(S)	Heard & Held
03/25/21	(S)	MINUTE(HSS)
04/08/21	(S)	HSS AT 1:30 PM BUTROVICH 205

BILL: SB 38

SHORT TITLE: NATUROPATHS: LICENSING; PRACTICE

SPONSOR(s): SENATOR(s) KAWASAKI

01/25/21	(S)	PREFILE RELEASED 1/8/21
01/25/21	(S)	READ THE FIRST TIME - REFERRALS
01/25/21	(S)	HSS, L&C, FIN
04/07/21	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)
04/07/21	(S)	Scheduled but Not Heard
04/08/21	(S)	HSS AT 1:30 PM BUTROVICH 205

WITNESS REGISTER

SENATOR SCOTT KAWASAKI
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of SB 38.

JOE HAYES, Staff
Senator Scott Kawasaki
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented SB 38 on behalf of the sponsor.

ABBY LANGE, Representative
Alaska Association of Naturopathic Physicians
Anchorage, Alaska

POSITION STATEMENT: Answered questions related to SB 38.

SARA CHAMBERS, Director
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community and Economic Development
Juneau, Alaska

POSITION STATEMENT: Provided information related to SB 38.

CLYDE JENSEN,
State Naturopathic Medical Association
St. George, Utah

POSITION STATEMENT: Testified by invitation on SB 38

DAVID SCHLEICH, Retired President
National University of Natural Medicine
Saskatchewan, Canada

POSITION STATEMENT: Testified by invitation on SB 38

ACTION NARRATIVE

[1:33:22 PM](#)

VICE CHAIR SHELLEY HUGHES called the Senate Health and Social Services Standing Committee meeting to order at 1:33 p.m. Present at the call to order were Senators Costello, Reinbold, Begich, and Vice Chair Hughes.

SB 26-REPEAL CERTIFICATE OF NEED PROGRAM

[1:33:51 PM](#)

VICE CHAIR HUGHES announced the consideration of SENATE BILL NO. 26 "An Act repealing the certificate of need program for health care facilities; making conforming amendments; and providing for an effective date." noted the committee heard testimony March 25.

[1:34:14 PM](#)

SENATOR REINBOLD stated Eagle River desperately needs this bill.

[1:34:29 PM](#)

VICE CHAIR HUGHES solicited a motion.

[1:34:32 PM](#)

SENATOR COSTELLO moved to report SB 26, work order 32-LS0232\B, from committee with individual recommendations and attached fiscal note(s).

[1:34:39 PM](#)

VICE CHAIR HUGHES found no objection and CSSB 26 was referred from the Senate Health and Social Services Standing Committee.

[1:34:50 PM](#)

At ease

[1:34:56 PM](#)

VICE CHAIR HUGHES reconvened the meeting and restated that the bill moving to the next committee of referral was SB 26, work order 32-LS0232\B.

[1:35:29 PM](#)

At ease

SB 99-JUVENILES: JUSTICE, FACILITES, TREATMENT

[1:38:02 PM](#)

VICE CHAIR HUGHES reconvened the meeting and announced the consideration of SENATE BILL NO. 99 "An Act relating to care of juveniles and to juvenile justice; relating to employment of juvenile probation officers by the Department of Health and Social Services; relating to terms used in juvenile justice; relating to mandatory reporters of child abuse or neglect; relating to sexual assault in the third degree; relating to sexual assault in the fourth degree; repealing a requirement for administrative revocation of a minor's driver's license, permit, privilege to drive, or privilege to obtain a license for consumption or possession of alcohol or drugs; and providing for an effective date."

[1:38:28 PM](#)

SENATOR BEGICH, speaking as sponsor of SB 99 thanked the committee for hearing the bill.

[1:38:40 PM](#)

VICE CHAIR HUGHES found no questions or comments and solicited a motion.

[1:38:43 PM](#)

SENATOR COSTELLO moved to report SB 99, work order 32-LS0630\A from committee with individual recommendations and attached fiscal note(s).

[1:38:47 PM](#)

VICE CHAIR HUGHES found no objection and SB 99 was reported from the Senate Health and Social Services Standing Committee.

[1:38:58 PM](#)

At ease

SB 38-NATUROPATHS: LICENSING; PRACTICE

[1:41:06 PM](#)

VICE CHAIR HUGHES reconvened the meeting and announced the consideration of SENATE BILL NO. 38 "An Act relating to the practice of naturopathy; establishing the Naturopathy Advisory Board; relating to the licensure of naturopaths; relating to disciplinary sanctions for naturopaths; relating to the Department of Commerce, Community, and Economic Development; and providing for an effective date."

[1:42:25 PM](#)

SENATOR SCOTT KAWASAKI, Alaska State Legislature, Juneau, Alaska, Sponsor of SB 38, introduced the bill on behalf of Alaska's approximately fifty licensed naturopath practitioners. He stated naturopaths provide valuable healthcare services and can help Alaska's primary healthcare provider shortage. Vague statute on the authority of naturopaths caused Alaska to adopt among the most restrictive naturopathic medicine regulations in the nation. SB 38 seeks to establish a clear scope of practice for naturopathic physicians and allow them to practice consistent with their education and training. Naturopaths are prohibited from performing minor routine office procedures that they have been trained in, such as sutures, wart removal and IUD placements. Many naturopaths have accredited pharmacology degrees and training but are prohibited from writing prescriptions and must refer patients to other providers.

[1:43:49 PM](#)

SENATOR KAWASAKI stated that overly restrictive regulations cause naturopaths to rethink practicing in the state. SB 38 would correct this by outlining clear statutory guidelines. The bill would allow licensed naturopath practitioners to perform minor office procedures and prescribe vitamins, minerals and

other noncontrolled substance medications. The same scope is practiced safely in other states and by other healthcare providers. Many Alaskans' struggle with basic healthcare access. Naturopathic medicine can provide valuable and complementary care in the Alaska healthcare setting. Giving naturopaths the ability to practice the scope of medicine consistent with their training expands the availability of primary care in Alaska.

[1:44:56 PM](#)

JOE HAYES, Staff, Senator Scott Kawasaki, Alaska State Legislature, Juneau, Alaska, presented SB 38 reading the following:

[Original punctuation provided.]

SENATE BILL 38 NATUROPATHIC MEDICINE REFORM

WHAT IS A NATUROPATHIC DOCTOR?

A primary care provider with a four-year post graduate medical degree, who practices evidence-based primary care, with a patient-centered focus that prioritizes disease prevention over symptom management and drug therapies

WHAT EDUCATION DO NATUROPATHIC DOCTORS RECEIVE?

Education

4-Year Medical School Program accredited by the Council of Naturopathic Medical Education; including:
2 years of medical sciences (anatomy, physiology, microbiology, immunology, etc.)
2 years of clinical sciences and treatment methods

Prerequisites

4 year undergraduate degree and additional pre-medical coursework

Residencies

1-3 year residency options throughout the country; however, there are not enough residency opportunities for every graduate

Licensing

Naturopaths must pass the two-part Naturopathic Physicians Licensing Examination (NPLEX) before being licensed to practice

[1:46:30 PM](#)

At ease

[1:47:13 PM](#)

SENATOR COSTELLO asked who prepared the slides.

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MR. HAYES answered that the Naturopathic Association prepared the slides.

[1:47:55 PM](#)

SENATOR COSTELLO asked where the Naturopathic Association is located.

MR. HAYES replied that people online could clarify where the association is located.

VICE CHAIR HUGHES requested Mr. Hayes recommend which association would answer.

MR. HAYES replied that Ms. Lange can address the question.

SENATOR COSTELLO restated the question regarding the location of the Naturopathic Association.

[1:49:06 PM](#)

ABBY LANGE, Representative, Alaska Association of Naturopathic Physicians, Anchorage, Alaska responded that the association is in Anchorage, Alaska.

SENATOR COSTELLO asked if the presentation was prepared by the Anchorage office or a national associate.

[1:49:22 PM](#)

MS. LANGE answered that it was prepared in conjunction with the local office, not national.

[1:49:34 PM](#)

MR. HAYES continued reading the presentation at slide 4:

WHO IS NOT A NATUROPATHIC DOCTOR?

Other conventionally-trained or allied health care providers practicing integrative, functional, or holistic healthcare such as Medical Doctors (MD),

Doctors of Osteopathy (DO), Chiropractors (DC), Nurse Practitioners (NP), Physicians Assistants (PA), or Massage Therapists (LMT)

Other licensed or unlicensed providers marketing themselves as natural care providers, holistic healthcare providers or healers

Health food store employees

Essential oil sales representatives

Someone who completed an online certificate course

LEGISLATIVE HISTORY OF NATUROPATH STATUTES IN ALASKA

ESTABLISHING STATUTES 1986: AS 08.45 (Naturopaths) established

LEGISLATION PASSED

2004: SB 306 - Established a Naturopathic Medicine Task Force

2005: SB 42 - Extended Task Force one year and updated membership

2005: SB 52 - Updated statutes to correct "division" to "department"

LEGISLATION ATTEMPTS

2007: SB 107

2008: HB 363

2010: HB 282 & SB 70

2011: HB 122

2012: HB 266 & SB 175

2013: HB 7

2017: HB 326 & SB 120

2019: HB 91

2021: SB 38

[1:51:02 PM](#)

SENATOR BEGICH asked if attempted changes to legislation from 2007-2019 were based on the 2004 task force findings.

MR. HAYES replied that Ms. Chambers has the history and could address the question.

[1:51:57 PM](#)

VICE CHAIR HUGHES supposed that attempts for changes mentioned in the bill began in 2007. This bill is the ninth attempt for legislative change.

MR. HAYES explained that slide 6 shows the licensing of naturopathic doctors (NDs) across the United States. NDs in Alaska are licensed and have some degree of insurance coverage for services. There are eleven states aiming to file bills for NDs. Several states are unregulated. He stated that slide 7 addresses the more controversial topic, which is prescriptive authority for NDs. In Alaska NDs have neither prescriptive nor controlled substance authority; Arizona and California have both.

MR. HAYES read slide 8:

[Original punctuation provided.]

Senate Bill 38

Modernizes statutes for Naturopaths by cleaning up outdated language, requiring continuing education every 2 years, and imposing the same public health duties on Naturopaths as other medical providers

Updates scope of practice for Naturopaths to include limited prescriptive authority and allowing minor office procedures

Removes the need for duplicative office visits and improves access to care for patients in Alaska

[1:53:55 PM](#)

SENATOR BEGICH asked if a pharmacological training provision would be in the bill, if prescriptive authority is allowed.

VICE CHAIR HUGHES noted that page two of the presentation lists other courses but not pharmacology.

SENATOR KAWASAKI replied that someone will speak to the pharmacological training NDs receive. He stated that the bill is not trying to expand prescriptive authority to naturopaths beyond the four-year science-based training they receive.

[1:55:21 PM](#)

SENATOR BEGICH offered that page 5, lines 23 - 25 of the bill limits prescriptive authority to naturopaths who pass the

pharmacological portion of the Naturopathic Physicians Licensing Examination.

SENATOR COSTELLO referenced page 6 lines 14-15. She noted that the prohibition on surgery and using the term physician in a naturopath's title are removed from statute, see page 6 lines 14-15. She questioned if it is deceptive to allow someone to be called a physician and then state they can only perform minor surgery. She asked if there will be public confusion, about a person's training, if naturopaths are called physicians.

[1:57:10 PM](#)

SENATOR KAWASAKI replied that the term surgery implies more than naturopaths are requesting. A definition, consistent with the request should be included in the bill, such as minor office procedures.

[1:57:44 PM](#)

SENATOR COSTELLO requested the bill clarify what minor office procedures are versus major surgery.

SENATOR KAWASAKI concurred.

[1:58:59 PM](#)

VICE CHAIR HUGHES asked for sectional analysis.

[1:59:10 PM](#)

MR. HAYES presented the sectional analysis:

[Original punctuation provided.]

SB 38

Sectional Analysis

"An Act relating to the practice of naturopathy; establishing the Naturopathy Advisory Board; relating to the licensure of naturopaths; relating to disciplinary sanctions for naturopaths; relating to the Department of Commerce, Community, and Economic Development; and providing for an effective date."

Section 1 - AS 08.02.010(a) Professional designation requirements. (Amended)

Requires naturopathic practitioners to use appropriate letters, titles and specialist designations.

Section 2 - AS 08.45.015 Naturopathy Advisory Board
(New Section)

Establishes a five-person Naturopathy Advisory Board for the purpose of making recommendations on adoption of regulations and other matters relating to the functions of the department under AS 08.45.

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Section 3 - AS 05.45.020 Application for license
(Amended)

Requires applicants applying for licensure to use a form provided by the department; to submit fingerprints for purposes of a criminal history background check for licensure; and pay a fee established by the department.

Section 4 - AS 08.45.030 Issuance of license.
(Amended)

Establishes, to be issued a license, an applicant must:

- have graduated with a doctoral degree from an accredited naturopathic college;
- have passed the Naturopathic Physicians Licensing Examination;
- is not subject to an unresolved disciplinary action in another jurisdiction;
- complies with application requirements; and
- have not been convicted or, or pled guilty, or no contest to a crime that adversely reflects on the applicant's ability to practice or jeopardizes the safety of a patient

Removes outdated language requiring that to be issued a license to practice naturopathy in Alaska, if an individual graduated before 1988, they must also have been issued a license to practice in another state previously.

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Section 5 - AS 08.45.032 Documentation of license refusals and revocations (New Section)

Requires the department to provide in writing, a concise statement for refusal to issue licenses or for license revocation.

Section 6 - AS 08.45.035(a) Temporary licenses. (Amended)

Allows the department to issue a temporary license to a naturopath if they are signed up to take a licensing exam at the next available date after the date of the application and meets all the other licensing requirements outlined in AS 08.45.030(1)(A) and (2) - (4).

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Section 7 - AS 08.45.038 Standards for license renewal. (New Section)

Outlines the requirements for naturopathic license renewal.

Section 8 - AS 08.45.045 Practice of naturopathy. (New section)

Allows naturopaths to:

- practice within the standards and scope of their education and training;
- prescribe natural and therapeutic substances, natural therapies, and contraceptive devices;
- prescribe allowed drugs only if the naturopath has passed the Naturopathic Physicians Licensing Examination pharmacology portion; and
- perform minor surgeries and order diagnostic procedures. Defines "naturopathic physical application"

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Section 9 - AS 08.45.050 Restrictions on practice of naturopathy. (Amended)

Removes the prohibition for prescribing drugs, performing minor surgeries, and using the word "physician" in titles. Prohibits naturopaths from giving, recommending or prescribing cancer drugs and controlled substances.

Section 10 - AS 08.45.053 Public health duties. (New Section)

AS 08.45.055 Duty of naturopaths to report. (New Section)

AS 08.45.058 Naturopaths to report certain injuries. (New Section) Imposes same public health duties on naturopaths as other physicians.

Section 11 - AS 08.45.060 Grounds for suspension, revocation, or refusal to issue a license. (Amended)
Amends and applies the same suspension, license revocation, or refusal to issue a license grounds on naturopaths as other physicians.

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Section 12 - AS 08.45.060 Grounds for suspension, revocation, or refusal to issue a license. (New Subsection)

Adds a new subsection to clarify the authority of the entity taking disciplinary action against a license under AS 08.45.060(a)(14)

Section 13 - AS 08.45.070(a) Disciplinary sanctions. (Amended)

Amends to clarify that disciplinary sanctions apply for all of AS 08.45 and imposes a limit of \$25,000 for civil penalties.

Section 14 - AS 08.45.070 Disciplinary sanctions. (New Subsections)

Establishes and outlines when the department may reinstate or suspend a license and requires the department to report actions on licensees to the National Practitioner Data Bank.

Section 15 - AS 08.45.105 Automatic suspension for mental incompetency. (New Section)

AS 08.45.110 Voluntary surrender. (New Section)

AS 08.45.115 Medical and psychiatric exams. (New Section)

AS 08.45.120 Reports relating to malpractice actions and claims. (New Section)

AS 08.45.125 Penalty for practicing without a license. (New Section)

AS 08.45.130 Prohibited use of title. (New Section)
Establishes new sections and applies the same grounds for naturopaths as physicians for licensing:

- Automatic suspension of a license for mental incompetency;
- Voluntary surrender of a license;
- Requiring medical and psychiatric exams;
- Requires reporting for malpractice actions and claims;
- Applies penalties for practicing naturopathy without a license; and
- Prohibits using the title "naturopath" without a license.

Section 16 - AS 08.45.200(3) Definitions. (Repealed and Reenacted)
Repeals and replaces definition for "naturopathy"

Section 17 - AS 08.45.200(4) & (5) Definitions. (New Paragraphs)
Defines "approved naturopathic medical school" and "naturopath"

Section 18 - AS 12.62.400(a) National criminal history record checks for employment, licensing, and other noncriminal justice purposes. (New Paragraph)
Amends 12.62.400 to include and require naturopaths to submit fingerprints to complete the national criminal history record check.

Section 19 - Transitional Language (Uncodified law)
Transitional language allowing currently licensed naturopaths to practice under the new law.

[2:06:20 PM](#)

Section 20 - Transitional Regulations (Uncodified law)
Allows the Department to adopt transitional regulations immediately following passage and prior to the bill's effective date.

Section 21 - Effective date. (Uncodified law)
Establishes immediate effective date for section 20

Section 22 - Effective date. (Uncodified law)
Establishes effective date for sections 1 - 19 as January 1, 2022

[2:06:48 PM](#)

SENATOR COSTELLO expressed concern, about the provision in Section 10 requiring naturopaths to report gun wounds and other potential life-threatening injuries to the Department of Public Safety. She asked if it misleads the public to assume naturopaths treat such injuries. She noted that on page 5 Section 8 pharmacology, as an elective portion of the licensing exam, creates a variance in licensure. This could make the scope of a naturopath's practice confusing to the public. The public should be aware that prescriptive authority is an elective credential for naturopaths.

[2:09:31 PM](#)

SENATOR KAWASAKI answered that he believes Section 10 is conforming language that has naturopaths adhere to the same reporting requirements as medical doctors.

VICE CHAIR HUGHES commented that Ms. Chambers nodded her head in agreement.

SENATOR COSTELLO added to her previous comment on prescriptive authority. She stated that a portion of an exam that provides different licensure should be its own test and license.

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VICE CHAIR HUGHES asked if the bill requires extra certifications to be listed on the license. She is aware of other practitioners who take exams in order to have added privileges.

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SENATOR BEGICH suggested that naturopaths could be required to publicly post their qualifications on a placard.

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MR. HAYES replied that Senator Kawasaki's office is willing to work with the committee on changes.

[2:12:08 PM](#)

SENATOR COSTELLO commented that AS 08.45.050 prohibits the use of the word physician in a naturopath's title. She asked if this legislation reverses the restriction.

MR. HAYES replied that clear definitions need to be determined.

[2:13:06 PM](#)

SENATOR COSTELLO commented that the presentation used the term doctor of naturopathy. She found use of the term confusing since there is no statutory right to do so.

VICE CHAIR HUGHES commented that the word doctor applies to many professions, whereas Americans associate the word physician to mean medical doctors (MDs) and doctors of osteopathy (DOs). She questioned the necessity of changing the statute to allow naturopathic doctors to be referred to as physicians, since they are called NDs. Referring to the presentation, she asked whether some vitamins and minerals are prescribed.

SENATOR KAWASAKI replied that someone online will talk about prescriptive authority.

[2:15:06 PM](#)

VICE CHAIR HUGHES recalled from the presentation that there was a lack of residency locations for naturopathic graduates. She asked if some NDs do not complete a residency.

MR. HAYES replied yes.

[2:15:29 PM](#)

VICE CHAIR HUGHES opined that NDs not completing residencies and being elevated to the level of physician is a problem. MDs, DOs and even behavioral health doctors, complete residencies. She asked how limited ND residency opportunities are. She suggested that the legislature consider making residency a requirement.

[2:16:01 PM](#)

SENATOR KAWASAKI responded that there are other medical professions governed by the state medical board, such as physician assistants and nurse practitioners, which do not require residency but have advanced levels of prescriptive authority.

[2:16:18 PM](#)

VICE CHAIR HUGHES countered that physician assistants and nurse practitioners are not called doctors. She asked for the student to residency ratio. She asked how many students do not complete a residency.

SENATOR KAWASAKI replied that practicing naturopaths could answer the question.

[2:16:52 PM](#)

VICE CHAIR HUGHES mentioned that the bill allows a person to obtain a temporary license if all course work, except the exam, has been completed. She asked if a temporary license limits authority to function and practice as a ND.

SENATOR KAWASAKI replied that Ms. Chambers will answer the question.

[2:17:22 PM](#)

VICE CHAIR HUGHES expressed concern that a person, who has not passed an exam, might possess full authority to act as an ND. She noted that the bill refers to the National Practitioner Data Bank. She wondered if the data bank is specific to NDs or if it is used for all licensed healthcare providers.

SENATOR KAWASAKI stated that the National Practitioners Databank, maintained by the US Department of Human Services, is a large bank containing all associated licensing and accreditation information of an individual.

[2:19:12 PM](#)

VICE CHAIR HUGHES asked if NDs want licensure for insurance billing purposes.

MR. HAYES stated that insurance billing will be discussed. He explained that the 1986 statutes are outdated, and enforcement of 2021 regulations is difficult. Updating the statutes would make issues, such as continuing education, easier for naturopaths. The primary point of updating the statutes is to make them reflective of what is happening in the field of naturopathy today.

[2:20:16 PM](#)

SENATOR KAWASAKI shared an example of the need for statute updates. He stated that several years ago by happenstance, a naturopath found out that a mineral procedure, he had been permitted to do and was still doing, had been affected by medical board regulation changes. As a result of the changes, only MDs and ODs could do the procedure. He concluded that updating the statutes is essential to understanding how the practice of naturopathy has changed over the years.

VICE CHAIR HUGHES asked if naturopaths could bill insurance, Medicaid and Medicare.

MR. HAYES replied that question can be answered by online participants.

[2:21:29 PM](#)

SENATOR BEGICH responded that naturopaths can bill insurance. He stated he was married to someone who went to a naturopath and used his insurance. He asked if the terms ND or Doctor of Naturopathy are currently in use and if the use is allowed under current regulation.

[2:22:14 PM](#)

VICE CHAIR HUGHES speculated that insurance may only cover certain procedures, which may be a reason updates to current statutes are being sought.

[2:22:30 PM](#)

SENATOR KAWASAKI stated that a lot of answers will be given from people online and Ms. Chambers. The bill was brought forward to allow naturopathic healthcare providers to practice consistent with their education and scope of practice.

[2:22:54 PM](#)

VICE CHAIR HUGHES stated that access and affordability is better when trained providers can work to their full scope of practice. She stated that naturopaths are a valuable part of Alaska's medical professions.

[2:23:31 PM](#)

SENATOR REINBOLD stated that she has visited a naturopath, values their expertise and is thankful for the alternative care they provide.

[2:24:15 PM](#)

SENATOR COSTELLO expressed that her concern with the bill resides in the authority naturopaths will be given to prescribe drugs. Although the bill states categories of drugs naturopaths will not be allowed to prescribe, she would like a list of drugs that will be allowed. The bill is presumed to update statute based on naturopathic training. She would like to know how naturopath and medical doctor trainings compare, before allowing the terms doctor and physician to be used by naturopaths. As proposed statutes are opposite of current statutes, she believes there is more to the bill than updating statute.

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SENATOR BEGICH stated he would like a list of drugs naturopaths could prescribe. He reminded the committee that prescribing power is limited to naturopaths who pass the pharmacological portion of the licensing test. He suggested a copy of the

pharmacological portion of the test be obtained and its content viewed. He suggested members look through the pharmacological portion of the test to gain understanding of its content.

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VICE CHAIR HUGHES asked the sponsor to provide a thorough overview of AP, MD and ND pharmacological requirements and whether they are comparable.

[2:27:02 PM](#)

SENATOR COSTELLO reminded the committee that MDs complete years of residency training. She stated that in terms of public protection and the transparency of what a person is allowed to do, legislators need to be careful.

[2:27:42 PM](#)

VICE CHAIR HUGHES called Sara Chambers to the table.

[2:27:54 PM](#)

SARA CHAMBERS, Director, Division of Corporations, Business, and Professional Licensing, Department of Commerce, Community and Economic Development (DCCED), Juneau, Alaska, stated that the administration has not taken a position on the bill. She is present as a technical resource. She provided the following answers and comments to members' questions:

- The term naturopathic doctor is allowed by current law.
- The language that requires naturopaths to report certain injuries to public safety was taken from the Medical Board statutes and regulations. She noted that like Senator Johnston's bill last session, an objective of Senator Kawasaki's bill is to provide greater responsibility and accountability to naturopaths. Current statute has a gap in patient protections. This bill contains accountability not found in legislation
- She addressed the trend of updating statutes and keeping laws relevant as licensing and investigation concerns are identified. For this legislation that means allowing a person to perform to the full extent of their education and providing public protections. In recent years, the legislature has seen scope of practice updates for optometrists, advanced practice registered nurses and chiropractors. These updates were in recognition of modern advancements in education and training. Current legislation recognizes the need for modernization and flexibility for paramedic and physical therapists. She is aware of other boards working to identify and update statutes.

- Naturopaths can bill insurance. Names of insurance experts working for the state can be provided. She understood insurance was not the onus for the legislation.
- The National Practitioner Data Bank (NPDB) is monitored by the federal government. Before a State of Alaska professional healthcare license is issued, the Department of Commerce, Community and Economic Development (DCCED) has a responsibility to check the NPDB for violations against the individual. By state law DCCED ensures all jurisdictions share data about licensee violations. It is used for NDs and other healthcare professions.

[2:33:08 PM](#)

VICE CHAIR HUGHES asked if the databank is checked for all healthcare professions, including NDs.

MS. CHAMBERS replied yes.

[2:33:22 PM](#)

SENATOR BEGICH asked if naturopaths are currently allowed to use the term Doctor of Naturopathy and the abbreviation ND in their practice.

MS. CHAMBERS replied that naturopaths are allowed to use the term naturopathic doctor and ND. They are not allowed to use the term physician.

[2:33:41 PM](#)

She stated that temporary licensure before passing an exam is a convention among healthcare professions because some exams occur only twice a year. In conjunction with a temporary license a board may require oversight from a sponsor. A licensing board may require sponsor oversight as a condition of temporary licensure.

[2:34:40 PM](#)

VICE CHAIR HUGHES stated that a supervisory statute requirement for a temporary license is not in the bill. She asked if it is in statute for other professions.

[2:34:56 PM](#)

MS. CHAMBERS replied that supervision while under a temporary license is either in statute or regulation, depending on the profession. She offered to provide template language.

[2:35:13 PM](#)

VICE CHAIR HUGHES said she would be more comfortable with a supervisory provision if the sponsor agrees.

2:35:21 PM

MS. CHAMBERS noted that prescriptive endorsement is another convention that exists in healthcare professions. Advanced practice registered nurses (APRN) can opt to have a prescriptive endorsement. Dentists and optometrists are other professions that offer specialized endorsements beyond a basic license. She stated that models exist for how to clearly state and display an ND's prescriptive authority.

2:36:19 PM

VICE CHAIR HUGHES asked if prescriptive endorsement would need to be in statute.

MS. CHAMBERS replied that it is akin to a license, therefore it needs to be in statute.

2:36:38 PM

SENATOR COSTELLO asked if naturopaths have a voice or seat on any boards.

MS. CHAMBERS answered that naturopaths have no official voice in licensure. Naturopaths are fully regulated by the Division of Corporations, Business and Professional Licensing. When a regulatory matter arises, it is handled informally with the director. If a regulations package is moved forward, it goes through the public process.

2:37:35 PM

SENATOR COSTELLO noted a section in the bill mentions naturopaths would provide recommendations for policy. She asked if that language is found in all licensure board statutes.

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MS. CHAMBERS responded that there are twenty-one boards. All boards are authorized, by the legislature, to adopt regulations and create policy, within statutory restrictions, for their profession. The director, through the commissioner, establishes regulations and policy for non-boarded professions. There is no middle ground. For example, construction contractors, like naturopaths, do not have an official voice on a board. She offered her belief that the bill proposes an advisory board be created. It is not a full board. It would not have the full ability to adopt its own regulations through the public process. Naturopaths would have an official seat at the table to advise

the division on policy changes and help accomplish them more efficiently and effectively.

2:39:11 PM

SENATOR COSTELLO asked what other professions do not have boards.

MS. CHAMBERS recalled that construction contractors, mechanical administrators, electrical administrators and others in that family of professions do not have a board. Recently DCCED proposed regulations on behalf these professionals, as they do not have a voice except through the public process. She recalled healthcare professions without boards are behavioral analysts, athletic trainers, speech language pathologists, audiologists and hearing aid dealers.

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SENATOR COSTELLO commented that advisory boards are sometimes created temporarily to offer recommendations. A permanent advisory board's purpose would be to make recommendations about statutes. She opined that naturopath's administering their own licensing would be better than trying to make changes through regulations forwarded to the state. An advisory board is a departure from established procedure. She questioned whether an advisory board is being created because past efforts haven't worked. She stated it is important to figure out and satisfy actual need. She speculated that the limited number of naturopaths in Alaska and the bureaucracy that establishing a board would necessitate are reasons why naturopaths would not want a full board.

2:41:51 PM

MS. CHAMBERS confirmed that the concept for an advisory board initially was to limit bureaucracy. She opined that if the bill passes, naturopaths will have more authority and accountability; the division will have more to oversee and investigate. She stated that as a director having a naturopathic board, whether appointed, full or advisory, would be a support. In the past five years there were six investigations. The number of investigations is expected to go with increased authority.

2:43:48 PM

SENATOR BEGICH stated that he no longer has a question.

2:44:12 PM

VICE CHAIR HUGHES questioned whether staffing a full board would result in higher licensing fees. She presumed that having only

fifty naturopaths in Alaska could be why an advisory board is preferred.

MS. CHAMBERS agreed.

2:44:41 PM

VICE CHAIR HUGHES called on Abby Lange.

2:44:46 PM

ABBY LANGE stated that the Alaska Association of Naturopathic Doctors is passionate about providing Alaskans with the best care possible. In answer to legislator's questions, she stated:

- Some vitamins and minerals do require a prescription. Vitamin B12 does not absorb well orally; many people take it by prescribed injection.
- Page 5 line 26 specifies which surgeries naturopaths are excluded from performing. Providing a list of drugs naturopaths can prescribe would be problematic. New drugs become available frequently. Updating the list would require use of the public process and delay usage of new drugs and vaccines.
- Naturopaths do not have a problem billing insurance. Insurance does reimburse naturopathic doctors in Alaska.
- Naturopathic residency is optional. Nationwide there are more graduates than available residencies. In this bill naturopaths are seeking a scope of practice equal to or less than a nurse practitioner's or physician's assistant scope of practice, neither require a residency.

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Ms. Lange asserted that Alaska law does not allow naturopaths to provide the full scope of care they trained for. Current law creates unnecessary inefficiencies in the health care system and Alaska's healthcare consumers incur the negative consequences SB 38 creates a statutory framework allowing naturopathic doctors to provide a scope of care consistent with training and education. It would improve healthcare access, remove the need for Alaskans to seek costly duplicative services, aid Alaska's primary care provider shortage and allow Alaskans greater choice in healthcare. Two main provisions of the bill allow naturopathic doctors to issue non controlled substance medications and perform minor surgeries, such as wart removal, stitches and skin biopsies. The bill specifically excludes controlled substances and any surgeries that go beyond superficial tissues. She asserted that the central question before the committee is whether a naturopathic doctor's training meets the scope of practice outlined in the bill. She informed

legislators that bill packet documents manifest that naturopaths are qualified for the scope of practice contained in the bill. NDs follow a standard premed undergraduate track and attend a four-year doctoral program, which includes 140 hours of pharmaceutical training. Naturopathic doctors in other states prescribe medications and controlled substances. They also safely perform minor surgeries.

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In Alaska, healthcare providers, with less pharmacology training, prescribe a broader range of pharmaceuticals than naturopaths are allowed to prescribe under this bill. Although naturopaths promote diet and lifestyle modification, there are circumstances when having prescriptive authority benefits patients. For example: during a routine visit a patient could receive a vaccination; an antibiotic prescription could be written in case a condition worsened, such as an earache; a medication dosage could be adjusted following weight loss. Not providing these services during a visit means the patient must set up an appointment with a different healthcare provider, miss additional time off work and pay another doctor fee. Consequently, it is not uncommon for a person to forego vaccination due to additional costs or end up at the ER seeking antibiotics.

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VICE CHAIR HUGHES noted that under Alaska law naturopaths are not allowed to use the term physician. Any naturopath using the term should make sure they are within the present scope of the law.

[2:55:37 PM](#)

CLYDE JENSEN, State Naturopathic Medical Association, St. George, Utah, testified by invitation on SB 38. He stated that he has a PhD in Pharmacology and has taught and been the president of various schools of medicine. He currently teaches pharmacology to students of osteopathic medicine and physician assistants. He shared three observations. He stated that the pharmacology content that NDs, MDs and DOs study is the same. NDs are taught far more pharmacology content than APs and NPs. Regarding residency, he acknowledged that NDs receive roughly the same amount of clinical experience during their four-year degree program as MDs and DOs. Less of the experience is devoted to clinical supervision with the use of drugs because naturopathic students study more nutrition, lifestyle and other clinical interventions than MDs and DOs. NDs are more inclined to use nutrition than prescriptive drugs in their practice. The number and the scope of drugs used by NDs is considerably narrower and involves few drugs than those used by MDs, DOs, PAs

and NPs. He commented that it is not uncommon for healthcare professions that prescribe less frequently to consult with professionals who prescribe more frequently. He concluded that there is no reason for Alaska naturopathic physicians to not prescribe a limited scope of drugs.

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VICE CHAIR HUGHES called on David Schleich.

[2:59:38 PM](#)

DAVID SCHLEICH, Retired President, National University of Natural Medicine, Saskatchewan, Canada, testified by invitation on SB 38. He stated has been a post-secondary and post-graduate education administrator for thirty-five years. His doctoral work and research have been in policy and theory, with particular interest in how healthcare professional formations take place in civil society.

MR. SCHLEICH stated that the clinical doctorate for the naturopath profession is a rigorous program of quality. Over the past twelve years the program has grown significantly. Research activity in the field of natural medicine has been robust. He named the Helfgott Research Institute in the United States and the Cancer Research Institute in Canada as exemplary. The number of states licensing and registering naturopathic physicians has also increased dramatically in the last decade. He mentioned that the increase is due to naturopaths' outreach to the communities they serve and the rigor and quality of their educational background.

He stated the regional and programmatic accreditors for naturopathic medicine are the same as for other primary care practitioners and physicians. He then clarified that the accreditors, accredit the institutions. The amount of education to become a naturopath is quite substantial relative to other healthcare professions. He stated the 4100 hours that includes pharmacology and clinical training are a case in point. At an institute where he was president, 140 term credit hours (TCH) were required in pharmacology.

Mr. Schleich commented that naturopathic doctors historically do not work in hospitals and do not have access to annual residency matching; they receive extensive residency experience though clinical rotations during their final years in the program. The statutory framework of the Division of Corporate and Business and Professional Licensing does not align appropriately to the healthcare professional status of naturopathic doctors.

The presence of naturopathic doctors in clinical care is increasing in the United States and Canada. The largest naturopathic degree granting institution in North America has a robust research institute in natural medicine and strong affiliations with functional and integrated medicine practitioners. He recommended the legislature adopt the bill with alacrity.

[3:03:09 PM](#)

VICE CHAIR HUGHES opened public testimony on SB 38; finding none she closed public testimony.

SB 38 was held in committee.

[3:03:44 PM](#)

There being no further business to come before the committee, Vice Chair Hughes adjourned the Senate Health and Social Services Standing Committee meeting at 3:03 p.m.